



THE CITY OF SAN DIEGO

HOW TO OBTAIN A PERMIT FOR A

Sidewalk Café

CITY OF SAN DIEGO DEVELOPMENT SERVICES
1222 FIRST AVENUE, MS 302 SAN DIEGO, CA 92101-4101

INFORMATION BULLETIN

523

JULY 2013

This information bulletin describes the approval process and submittal requirements for Sidewalk Café.

I. WHAT IS A SIDEWALK CAFE?

A sidewalk café is an area for outdoor dining located in the public right-of-way that is adjacent to a street level eating and drinking establishment. The regulations for sidewalk cafés are identified in Land Development Code (LDC) Section 141.0621.

Outdoor eating and drinking establishment areas located on private property are not subject to the sidewalk café regulations.

II. WHAT APPROVAL ARE REQUIRED?

Sidewalk cafés are permitted as a limited use in most commercial zones subject to the regulations in Section 141.0621, and may be approved as follows:

A. Business Improvement District (BID): If the site is located within a BID and there will be no alcohol sales or new construction within the sidewalk café, approval may be obtained directly from the BID in accordance with the Public Right of Way Enhancement Program ([PROW](#)). Please contact the applicable BID for information.

B. Right-of-Way Permit: Sidewalk cafés consisting of only tables and chairs within 4 feet 6 inches of the building façade (no construction proposed within the right-of-way, and would not require building permit) will require a Right-of-Way Permit and Encroachment Maintenance and Removal Agreement (EMRA).

Over the counter review is available for projects that do not require a building permit or discretionary permit for the sidewalk café.

C. Building Permit: A Building Permit and Encroachment Maintenance and Removal Agreement (EMRA) will be required for a sidewalk café that;

1. Would alter or modify the existing restaurant building or any means of egress from the restaurant building; or
2. Would be located on a raised platform or sunken area; or
3. Would install a barrier consisting of railings, fences, or planter boxes to delineate the sidewalk café; or
4. Would install awnings or canopies.

Documents Referenced in this Information Bulletin

- Land Development code (LDC) [Section 141.0621](#)
- [Information Bulletin 103](#), Fee Schedule and Worksheet for Mechanical, Plumbing/Gas, Electrical
- [Information Bulletin 502](#), Fee Schedule for Construction Permits - Grading & Public Right-of-Way
- [Information Bulletin 503](#), Fee Schedule for Development & Policy Approvals/Permits
- [Information Bulletin 512](#), How to Obtain Public Noticing Information
- [Information Bulletin 580](#), Potential Historical Resource Review
- [Information Bulletin 581](#), Designated Historical Resource Review
- Ownership Disclosure Statement, [DS-318](#)
- Storm Water Requirements Checklist, [DS-560](#)
- General Application, [DS-3032](#)
- Supplemental Discretionary Application, [DS-3035](#)
- Hazardous Materials Questionnaire, [DS-3163](#)
- City of San Diego Construction Plan, [DS-3179](#)
- Encroachment and Maintenance Removal Agreement (EMRA), [DS-3237](#)
- Deposit Account/Financially Responsible Party, [DS-3242](#)

D. Neighborhood Use Permit: A Process Two Neighborhood Use Permit (NUP) will be required prior to approval of Construction Permit/ EMRA if;

1. The proposed sidewalk café is located within the Coastal Overlay Zone;
2. The proposed sidewalk café is located in Downtown Community Plan Area; or
3. If deviations are requested from the applicable regulations in Section 141.0621(a).

III. SUBMITTAL REQUIREMENTS

The Submittal Matrix and the Minimum Submittal Requirements Checklist found in this section identify the forms, documents, plans and quantities that are required for Right of Way Permits, Building Permits, and Neighborhood Use Permits.

Approval Type	A General Application Package	B Grant Deed/Proof of Ownership	C Historical Resources Information	D Photographic Survey	E Public Notice Package	F Plans
Right of Way Permit	1	-	-	-	-	4
Building Permit	1	-	1	-	-	4
Neighborhood Use Permit	1	1	1	1	1	6

A. Application Package

Provide one copy of the following documents:

- 1. General Application (DS-3032)**
- 2. Hazardous Materials Questionnaire (DS-3163)** (for Building Permit only)
- 3. Storm Water Requirements Checklist (DS-560)**
- 4. Deposit Account/Financially Responsible Party (DS-3242)** (for Neighborhood Use Permit applications only)
- 5. Supplemental Discretionary Application (DS-3035)** (for Neighborhood Use Permit applications only)
- 6. Ownership Disclosure Statement (DS-318)** (for Neighborhood Use Permit applications only)

B. Grant Deed/Proof of Ownership

A copy of the Grant Deed is required to provide proof of current ownership for the property proposing the sidewalk café.

C. Historical Review

Historical review and plans may be required for the proposed work as indicated in the following Table. See information bulletin 580 & 581 for additional submittal requirements.

Scope of Work	Any Size with a Structure 45 or more years old	Designated Historic Resource or located within a historic District
Sidewalk Café (Barrier only)	No historical review required	Historical review and Plan Submittal (see Information Bulletin 581 "Designated Historic Resource Review")
The Sidewalk Café would alter or modify the existing building, building façade including awning.	Historical review and plan submittal required (see Information Bulletin 580 "Potential Historical Resource Review")	

D. Photographic Survey

Photographs must be taken showing the street view of the proposed sidewalk café. Include a key map indicating the location and direction each photograph was taken. The photographs should be in color and provided on a CD-R in the .jpg format, numbered consistent with the provided key map.

E. Public Notice Package

A public notice package will be required as part of your submittal if a Neighborhood Use Permit is requested for the sidewalk café as explained in Section II. The notice package will be used to notify adjacent tenants and property owners of the proposed sidewalk café. See Information Bulletin 512, "How to Obtain Public Noticing Information."

F. Plans

Building Permit: Plans must be fully dimensioned, drawn to scale, at least 11"x17".

Right-of Way Permit: Plans must be prepared on the City of San Diego Construction Plan (DS-3179) and include the following information:

1. Development Summary

Provide, in a table format, the following information on the first page of the plans:

- A bullet point narrative that details the project's complete scope of work, including all existing and proposed improvements, any proposed development regulation deviations, and the required permits/approvals.
- The Project Team - List name and phone number of all consultants including engineers, architects, designers and contractors.
- Legal description and Assessor Parcel Number(s) for the property on which the development is proposed.
- Owner's name and address.
- The name and type of the adjacent street level business that the sidewalk café will be serving. Indicate if the business is existing or proposed.
- Total square footage of the sidewalk café area.
- The zoning designation and all overlay zone designations.

2. Site Plan

A dimensioned site plan drawing showing the general layout of the sidewalk area and building frontage. See Figure 1 for a sample sidewalk café site plan.

- The general layout of the sidewalk area and building frontage.
- Street, curb, sidewalk, property lines and all existing/proposed improvements in the sidewalk area.

- c. Frontage of the building or tenant space serving the proposed sidewalk café and adjacent buildings or tenant spaces.
- d. Boundaries of the sidewalk café.
- e. The distance between the sidewalk café and the entrance to the adjacent commercial business (8-foot minimum).
- f. The distance between the railing of the sidewalk café and the curb.
- g. The distance between any obstruction (parking meters, lights, signs, mail boxes, trees, tree grates, etc.) In the sidewalk area to the railing of the sidewalk café. A minimum distance of 5' is required for sufficient pedestrian traffic (see section IV).
- h. Plans must reflect that the direction and extent of swing of gates or other objects placed within the sidewalk café area do not project beyond the delineated perimeter of the sidewalk café.
- i. Plans must establish that the approved means of egress from the existing building are not blocked, diminished or in any way altered as a result of the new sidewalk café.
- j. Dimension clearances for disabled access within the sidewalk café area (see section V).

3. Method of Attachment

Show attachment method of the railing to the sidewalk. See Figure 2 for a sample drawing of a standard method of rail attachment.

4. Elevation Plan

(Not required for right-of-way permit). This is a dimensioned drawing of the face of the building within the sidewalk café. Include the following information on the elevation drawing:

- a. Front view of the sidewalk café.
- b. Type of sidewalk café enclosure used, such as railings, planters.
- c. Height of enclosure (maximum height of three (3) feet).
- d. Description of furniture to be used in the sidewalk café.
- e. Awnings, canopies or fixed umbrellas and outdoor heaters (propane or piped gas type), if proposed. Clearance to combustibles from the heater must be shown. A minimum distance of 7'-0" is required between the bottom of any umbrella or awning and the sidewalk.

IV. PEDESTRIAN CLEAR PATH

A clear path, free of all obstructions to the flow of pedestrian traffic, shall be provided in the public right-of-way and shall be maintained at all times. The clear path shall be a paved sidewalk that is at least 5 feet wide. More restrictive pedestrian path widths are required as follows:

A. Sidewalk cafés within the Pacific Beach community plan area shall provide a minimum 8 foot wide clear path along Garnet Avenue in accordance with community plan Appendix D.

B. Sidewalk Cafés within La Jolla Planned District shall provide a minimum 8 foot wide clear path in accordance with LDC Section §159.0405(e)(2).

C. Sidewalk cafés within the Old Town community plan area shall provide a minimum 6 to 8 foot clear pedestrian path in the river and fringe areas, and a 10-15 foot minimum clear pedestrian path in the core area in accordance with Old Town community plan public space policy #6.

The required clear path as a whole may be designed to meander from side to side to avoid obstructions, but shall maintain a direct path of travel past the sidewalk café of at least 3 feet in width (see figure 3).

V. ACCESSIBILITY

All areas within the sidewalk café where each type of functional activity occurs shall be made accessible. LDC Section §141.0621(a)(1)(E) and California Building Code (CBC) Section §1104B.5 & 1133B.6.

VI. SIGNAGE

A separate sign permit is required for any signs on the building frontage. A sign permit is not required for a maximum 4 square foot sign on the umbrellas or awnings stating the name and type of establishment.

VII. ALCOHOLIC BEVERAGE

All sidewalk cafés shall comply with State of California Department of Alcoholic Beverage Control license requirements, as applicable.

VIII. INSPECTION

Please call for the necessary inspection as follows:

Right-of-Way Permit: Contact the City of San Diego, Field Engineering Division at (858) 627-3200.

Building Permit: To schedule a construction inspection call (858) 581-7111.

IX. FEES

The following are the required fees for all applicable permits:

A. Right-of-Way Permit & EMRA

The following fees are paid at the initial plan check:

General Plan Maintenance	\$275
Mapping	\$10
Plan Check/EMRA	\$432

The following estimated fees are collected at the time of issuance:

Inspection	\$101
Records	\$20
Recordation	\$54
Issuance	\$38
County Recording Fee.....	\$11 first page; \$3 each additional page.

B. Building Permit & EMRA*

The following fees are paid at the time the project is submitted for plan review:

General Plan Maintenance	\$275
Mapping	\$10
Structural Review (1 hr.).....	\$144
Plan Check/EMRA	\$432

The following estimated fees are collected at the time of issuance:

Inspection	\$123
Records	\$20
Issuance	\$38
Lead Hazard Prevention & Control	\$31
Seismic Fee . . . 21 cents per \$1,000 estimated valuation. Building Standards Fee....	\$1 per every twenty-five thousand (\$25,000) in valuation.
Recordation	\$54
County Recording Fee.....	\$11 first page; \$3 each additional page.

*Note: additional plan check and inspection fee will apply if adding awnings or canopies (see Information Bulletin 501B); or gas piping or electrical (see Information Bulletin 103).

C. Neighborhood Use Permit

See Information Bulletin 503, "Fee Schedule for Development & Policy Approvals/ Permits."

D. Annual Inspection Fee

The permit for a sidewalk café includes a fee for an initial inspection. Approved sidewalk cafes will be inspected annually to ensure compliance. The sidewalk café operator will be billed for the annual inspections as they occur. The fee for an annual inspection is the rate for hourly inspection as set forth in the most recent Development Services Department Fee Schedule.

E. Other Fees

Separate electrical or plumbing permits and fees will be required for any new gas or electrical work associated with lighting or permanent gas heaters in the sidewalk café area (see Information Bulletin 103).

Figure / Sample Sidewalk Café Site Plan

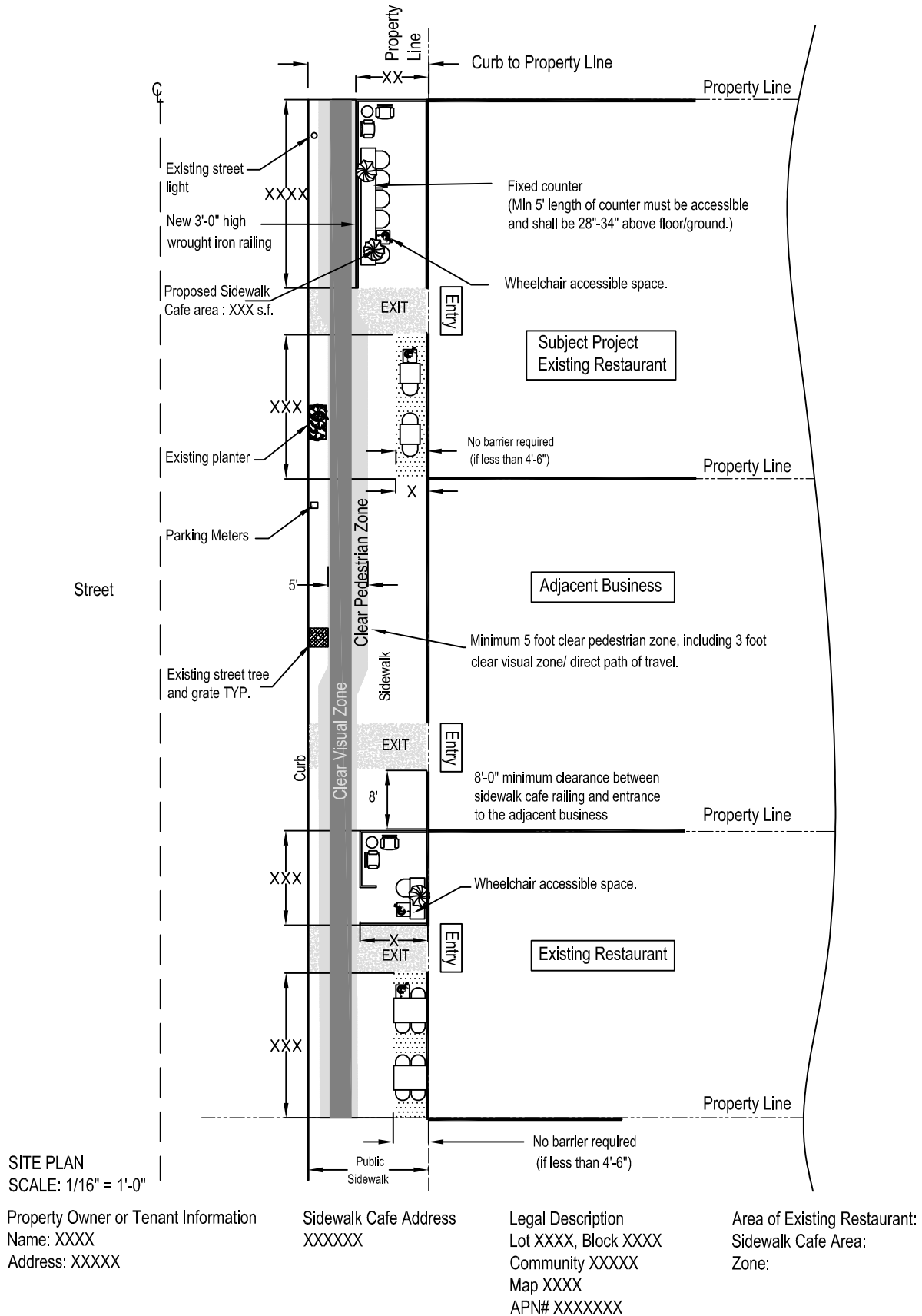


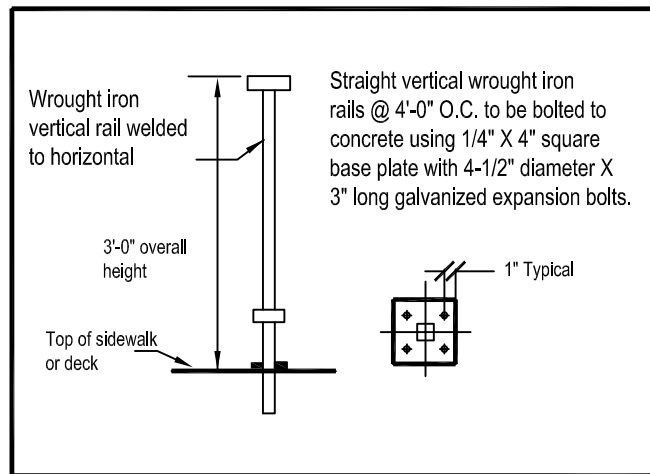
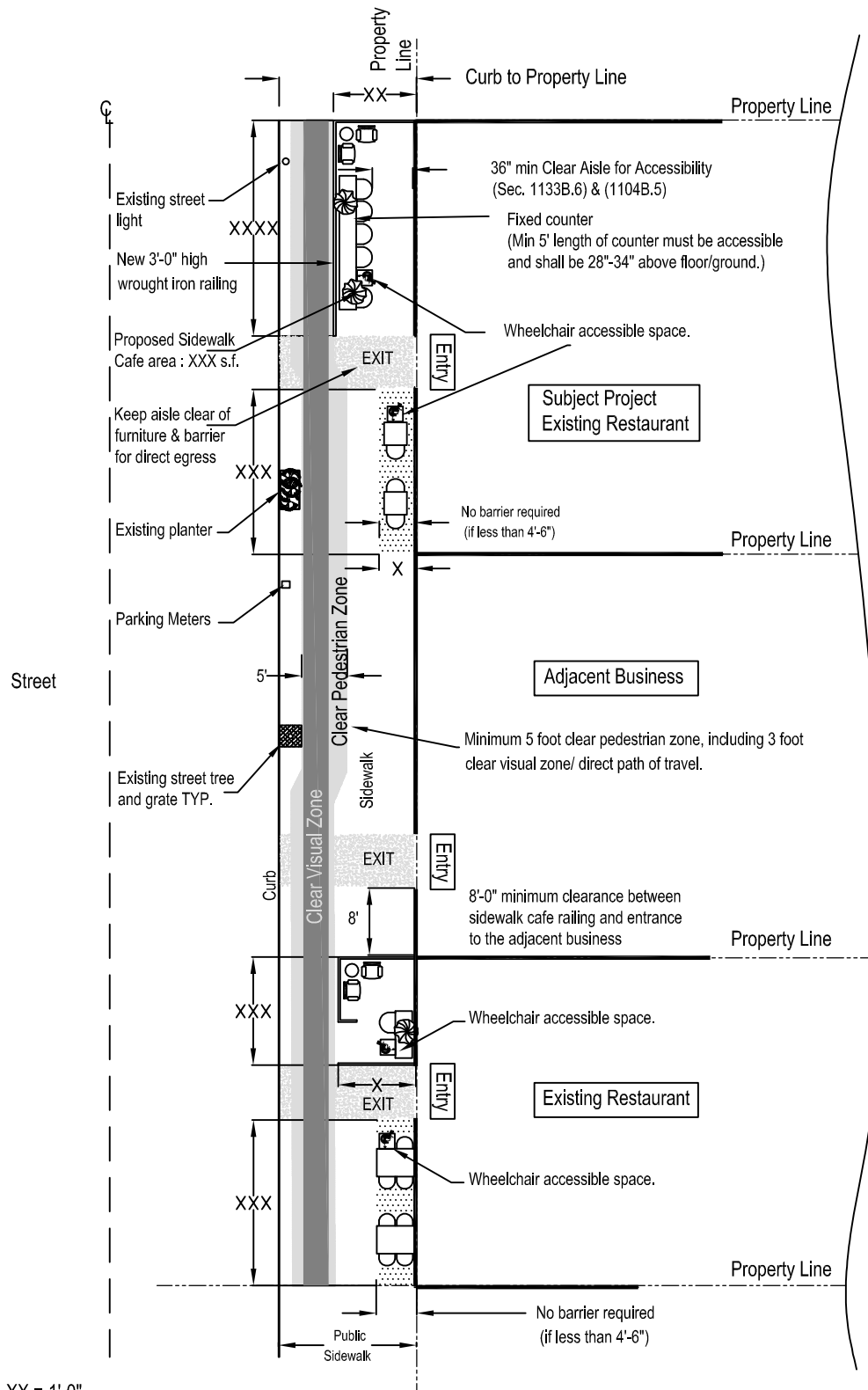
Figure 2 / Standard Method of Rail Attachment

Figure 3 / Pedestrian, Visual Clear Path and Accessibility Diagram

SCALE: XX = 1'-0"

Accessibility Notes:

Must have one wheelchair seating space for each 20 seats, with at least one minimum wheelchair seating space per functional area. (Counter/ Bar and table seating are considered different functional areas) - Sec. 1104 B.5(4).